

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Steven Winslow Lyerly

Date of Previous Judgment: 11/2/00  
(Use Date of Last Amended Judgment if Applicable)

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Case No: 1:00CR9-7

USM No: 15807-058

Tanzania C. Cannon-Eckerle & Claire J. Rauscher

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months is reduced to Time served plus 10 days.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35

Amended Offense Level: 33

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 210 to 262 months

Amended Guideline Range: 168 to 210 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 11/2/00 shall remain in effect.

**IT IS SO ORDERED.**

Signed: May 27, 2008

Order Date: May 27, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)



Lacy H. Thornburg  
United States District Judge

